

III. REMARKS

Claims 10-12, 14-17, 19, 23-24, 32-33, and 36-37 are pending in this action.

Claims 10-14, 23 and 32-33 were rejected under 35 USC 101 as alleged to be directed to non-statutory subject matter. Claims 10-12, 14-17 and 19 were rejected under 35 USC 103(a) as allegedly being unpatentable over Verbeke (US 2004/0098447) in view of Greenfield (US 4931928) in further view of Kataoka (US 5862382). Claims 23 and 24 were rejected under 35 USC 103(a) as allegedly being unpatentable over Greenfield in view of Kataoka. Claims 32-33 and 36-37 were rejected under 35 USC 103(a) as allegedly being unpatentable over Verbeke in view of Ekkel (US 2003/0088571) further in view of Greenfield and further in view of Kataoka. Claims 10, 15, 23, 24, 32 and 36 have been amended. Applicant respectfully traverses the 35 USC 103(a) rejections for the reasons provided below.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

A. REJECTIONS BASED ON 35 USC 101

In the Office Action, claims 10-14, 23 and 32-33 are rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter. Without conceding the correctness of the Office's interpretation, and to facilitate early allowance of the pending claims, claims 10, 23 and 32 have been amended to include "at least one computer

device.” Accordingly, Applicant asserts that the bases for the Office’s rejection have been obviated and respectfully request withdrawal of the rejection.

B. REJECTION OF CLAIMS 10-12, 14-17, 19, 23-24, 32-33, and 36-37 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejections of claims 10-12, 14-17 and 19 over Verbeke in view of Greenfield in further view of Kataoka; claims 23 and 24 over Greenfield in view of Kataoka; and claims 32-33 and 36-37 over Verbeke in view of Ekkel further in view of Greenfield and further in view of Kataoka, Applicant asserts that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention.

Applicant has amended claim 10 (and similarly claims 15, 23, 24, 32 and 36) to include “an Integrated Development Environment (IDE), wherein the IDE includes classification-based navigation and content dependent searching for code patterns.” Support for this amendment may be found in the specification at [006] and [022].

A review of the four references cited by the Office in alleging obviousness (to wit: Verbeke, Greenfield, Kataoka, and Ekkel), reveals that none of the references teach or suggest “an Integrated Development Environment.” None of the references teach or suggest an IDE that include “classification-based navigation and content dependent searching for code patterns.”

Moreover, the Office cites to Verbeke Col 15:0180-0181 specifically quoting “...that share a common set of interest s and access any computer content (code, data, applications,...” in support of its allegations that Verbeke teaches “a code pattern

classifier for analyzing source code generated on a sharing node in the network to identify a set of code patterns” of claims 10 and 15; “the code pattern information comprises the set of code patterns, the at least one category and identify of the sharing node” of claims 12 and 17; “a code pattern requestor for retrieving the source code from a sharing node in the network to the receiving node based on the at least one predetermined category assigned to the source code” and “a code pattern classifier for analyzing the source code on the sharing node to identify a set of code patterns” of claims 32 and 36. Office Action pp. 3-4, 7, and 10.

The referenced sentence in its entirety merely states “A peer group is a collection of peers connected by a network that share a common set of interests and that have agreed upon a common set of rules to publish, share and access any computer content (code, data, applications, or other collections of computer representable resources), and communicate among themselves.” This reference does not teach any of the cited elements of the claimed invention. Verbeke does not teach anything about “a code pattern classifier for analyzing source code” or “a code pattern requestor for retrieving the source code.” The entirety of Verbeke fails to teach these elements. Greenfield, Kataoka, and Ekkel do not cure the deficiency.

Similarly the Office cites to Greenfield Col. 4:58-67 in support of its allegations that it teaches the “source code indexer for selectively indexing the source code, a dependent code type, and an application code” of claim 10 (and similarly claims 15, 23, 24, 32 and 36). Office Action pp. 4, 8 and 12. Greenfield does not teach this feature or the associated elements of this feature.

The cited reference of Greenfield includes “a lexical scanner that separates the source code into tokens”, “a parser for determining valid syntactic language”, and “a systems analyzer which extracts the programming semantics.” There is no reference to indexing source code to be found in Greenfield. Verbeke, Kataoka, and Ekkel do not cure the deficiency.

Applicant submits that the combined references cited by the Office fail to teach or suggest each and every feature of claims 10, 15, 23, 24, 32 and 36, as amended. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With respect to the dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/David E. Rook/

Date: June 20, 2008

David E. Rook
Reg. No.: 40,790

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)